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and Sierra Club*

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA  
SACRAMENTO DIVISION

ASSOCIATION OF AMERICAN  
RAILROADS and AMERICAN SHORT  
LINE AND REGIONAL RAILROAD  
ASSOCIATION,

Plaintiffs,

v.

LIANE M. RANDOLPH, in her official  
capacity as Chair of the California Air  
Resources Board; STEVEN S. CLIFF, in  
his official capacity as Executive Officer of  
the California Air Resources Board; and  
ROB BONTA, in his official capacity as  
Attorney General of the State of California,

Defendants,

and

EAST YARD COMMUNITIES FOR  
ENVIRONMENTAL JUSTICE, PEOPLE'S  
COLLECTIVE FOR ENVIRONMENTAL  
JUSTICE, and SIERRA CLUB,

Defendant-Intervenors.

Civ. No. 2:23-cv-01154-DJC-JDP

**DECLARATION OF PAOLA VARGAS IN  
SUPPORT OF DEFENDANT-  
INTERVENORS' OPPOSITION TO  
PLAINTIFFS' MOTION FOR SUMMARY  
JUDGMENT**

Date: April 25, 2024  
Time: 1:30 PM  
Courtroom: 10  
Judge: Hon. Daniel J. Calabretta

**DECLARATION OF PAOLA VARGAS**

I, Paola Vargas, hereby declare and state as follows:

1. This declaration is based on my personal knowledge. If called to testify as a witness, I could and would testify competently to the contents hereof.

2. I am over the age of eighteen (18) and suffer no legal incapacity.

3. I am 22 years old.

4. I am employed by East Yard Communities for Environmental Justice (“EYCEJ”) and have served as a Community Organizer with EYCEJ since January 2023.

5. EYCEJ is an environmental health and justice non-profit corporation focused on reducing industrial pollution that disproportionately impacts working class communities of color.

6. I reside in Carson, California. I live in the same home where I was born and grew up.

7. Besides leaving home for a few years in college, I have lived in this house my entire life. During this time, I have felt a part of the Carson community and the neighboring Wilmington community.

8. In summer of 2022, I worked with some friends to plan and start an environmental justice youth program for students at Carson High School. We started this program because we recognized that environmental justice is something that impacts our community, yet is something that had not been part of our education. Through this work, I got connected with EYCEJ, and helped organize a toxic tour for Carson High School youth.

9. As a Community Organizer with EYCEJ, half of my time is spent working directly with residents, and half of my time is spent on advocacy. I work specifically with the West Long Beach, Carson, and South Bay communities. I facilitate member meetings, conduct outreach to residents to educate them about policy issues and assess their priorities, and I plan workshops and gatherings in response to members’ priorities and interests. In my advocacy work, much of my workplan involves advancing policies

1 on rail-related issues. I lead our organizing strategies to oppose the proposed SCIG  
2 railyard, and to advocate for the South Coast Air Quality Management District to adopt  
3 strong Indirect Source Rules for railyards and ports. I also lead our work to advance a  
4 green zone policy in Long Beach, which would address the impacts of rail and other  
5 sources of industrial pollution.

6 10. Many residents that I work with in West Long Beach live in close proximity  
7 to the Union Pacific Intermodal Container Terminal Facility (ICTF) railyard and  
8 associated rail lines. Every day they experience pollution from locomotives and trucks  
9 serving the facility. These residents are also exposed to other sources of pollution which  
10 compound the impacts they face, including pollution from neighboring refineries, and  
11 thick smog due to unhealthy air quality.

12 11. A large concern for many West Long Beach residents is the proposed  
13 SCIG railyard. This railyard would be built adjacent to the ICTF facility, and would affect  
14 communities in West Long Beach, Carson, and Wilmington.

15 12. Residents are concerned that the SCIG railyard would increase rail  
16 pollution, truck traffic, and noise. There are many residents who live in close proximity to  
17 where the SCIG railyard would be built, and there are important community-serving sites  
18 nearby, including Cabrillo High School. The residents I work with are concerned that  
19 increased diesel pollution from the SCIG railyard would endanger the health of children  
20 who attend the school, and residents who live in the neighborhood.

21 13. At least one resident I work with regularly observes a layer of soot and  
22 grime building up on the windshield of their car, due to the air pollution in their  
23 neighborhood. They will wipe the windshield of their car with a napkin, to illustrate the  
24 amount of grime that has accumulated.

25 14. Many of the EYCEJ members I work with have asthma or other respiratory  
26 issues. It is also common for EYCEJ members to raise concerns about other health  
27 issues that they believe are related to pollution, such as feeling their throats itching, or  
28 having other adverse reactions.

1           15.     A few days a week, I work from the EYCEJ office in Long Beach, located at  
2     2448 Santa Fe Ave, Long Beach, CA 90810. The office is located approximately a half of  
3     a mile from the ICTF railyard.

4           16.     I regularly observe a large volume of truck traffic and rail activity when  
5     driving from my house in Carson to the EYCEJ office in Long Beach. During this drive, I  
6     regularly see trains idling along the train tracks. Sometimes I smell the diesel gas from  
7     trains, wafting into my car while I am driving past.

8           17.     There is a rail line approximately a quarter of a mile from my house. It is  
9     located behind a wall at the cul-de-sac at the end of the street where I live.

10          18.     I regularly heard train horns when I was growing up, although I did not  
11     realize what the sounds were until I went to college and started learning about industrial  
12     pollution. When everything is quiet, and especially when I am lying in bed at night, I still  
13     hear the train horns on most nights.

14          19.     I have noticed air quality issues in my neighborhood in Carson and in the  
15     neighborhood surrounding the EYCEJ office in Long Beach. When the air quality is bad,  
16     there's a certain feeling in the air – it feels like not normal weather. It's a feeling like its  
17     own sort of clouds. Growing up, I perceived this as a different form of weather, but now I  
18     can differentiate between a clear day, and when it feels like pollution and smoke are in  
19     the air.

20          20.     It causes me great anxiety and stress to worry that certain ailments and  
21     health issues that my family and I deal with could be caused by exposure to pollution.  
22     For example, if my throat is itching, or if I have a nosebleed, or certain coughs, I worry  
23     that these issues may be caused by air pollution. I also experience headaches a few  
24     times a month, and wonder if they are related to pollution. I have noticed that many of  
25     my friends who live in Carson say that they have headaches a few times a month as  
26     well, and I also worry that they may be impacted by air pollution.

27          21.     I limit the time I spend outside because I know that there is air pollution in  
28     the communities that I live and work in. When I moved back to Carson after college, I

1 started frequently checking the air quality index (AQI) because I was concerned about  
2 days when it would be high. I was concerned both for myself and for my family members,  
3 to make sure that we limited time outside when the air quality was poor. We also use an  
4 air purifier in our home to reduce air pollution. We turn on the air purifier when the air  
5 quality feels bad, or when the AQI is high.

6 22. More so than myself, I worry about the impacts of air pollution on my  
7 family's health. My mom developed asthma after she moved to our neighborhood in  
8 Carson. I worry about the impact of air pollution on her health, and making sure the air  
9 quality inside our home is clean and that she does not go outside when the AQI is high.  
10 My brother smokes, and I often worry that he is going to have worse health effects in  
11 conjunction with living in an area with poor air quality.

12 23. It is a financial burden to deal with the pollution and health issues that my  
13 family experiences. If we lived somewhere with cleaner air, we would not need to invest  
14 in an expensive air purifier, or N-95 masks to protect against pollution particles in the air.

15 24. My family and I also experience constraints on how we use our time and  
16 where we go in our community because of the rail and goods movement industry. During  
17 rush hour, the community we live in is very busy and backed up with traffic because  
18 there are major truck and rail routes. This causes us to avoid driving on certain routes,  
19 and to avoid leaving the house at certain times. I feel that we could use our time  
20 differently if our community was not so impacted by the rail industry. Also, certain parks  
21 in Long Beach are noisy because of the truck and train traffic, and I avoid visiting them  
22 for that reason. It bothers me to avoid visiting an area of Long Beach that I would love to  
23 spend time in.

24 25. The In-Use Locomotive Rule would provide critical benefits to me, my  
25 family, and the communities I work with. If locomotive pollution was cleaned up, I would  
26 feel less worried about getting headaches, my throat itching, and experiencing other  
27 health impacts. Long term, I would not have to be concerned about kids and the elderly  
28 experiencing health impacts. I believe we would see fewer deaths over time related to

1 heart disease and cancer. People's lifespans would not be shortened, and people would  
2 live healthier lives that are considerably less burdened by pollution. People also would  
3 not have to deal with other daily detrimental issues like noise, grime on cars, and  
4 would experience less stress overall.

5 26. Without the In-Use Locomotive Rule, I am worried that we will continue  
6 seeing children in our communities develop asthma, and our elders developing more  
7 and more illnesses. It would be hugely discouraging to our health and our hope for our  
8 health if this life-saving regulation does not move forward.

9 27. Adult and Youth EYCEJ Members in Carson and West Long Beach are  
10 already disproportionately harmed by port operations that demand the use of heavily  
11 polluting cargo handling equipment and marine vessels in addition to railyards and  
12 trucks. According to CalEnviroScreen, a mapping tool used to measure cumulative  
13 impacts across the state, communities living near the San Pedro Bay Port Complex face  
14 the highest pollution burden possible. Children and families living near the Port of Los  
15 Angeles and Port of Long Beach are forced to breathe toxic air daily which is proven to  
16 shorten life expectancy.

17 28. EYCEJ believes that everyone should have access to clean air, water, and  
18 soil regardless of zip code. For this reason, we hope CARB's In-Use Locomotive Rule  
19 moves forward.

20 I declare under penalty of perjury that the foregoing is true and correct.

21 Executed this 6th day of December, 2023.

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25 Paola Vargas  
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